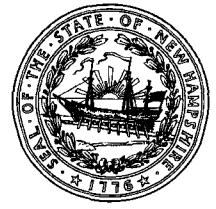




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

LETTER OF DEFICIENCY  
WET 06-039

April 24, 2006

David, Carolyn, Dana, and Maria Mckiel  
Box 5522  
Laconia, NH 03246

RE: DES Shoreland Waiver File #2004-997 and Wetlands File #2005-02828, 506 Weirs  
Boulevard, Laconia

Dear McKeil Family:

On April 19, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Laconia Tax Map 225 as Lot 248-6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 483-B, Administrative Rules Env-Ws 1400 - 1411, RSA 482-A, and Administrative Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A 3 ft 11 in x 45 ft 9 in seasonal pier, hinged to an unpermitted 3 ft x 5 ft concrete pad was installed without a wetlands permit. DES received a letter from Watermark Marine Construction on December 06, 2005 indicating that a Permit by Notification had been filed with the City of Laconia; however DES has no record of receiving it. In addition, the structure on your frontage is larger than the sketch included with Watermark's correspondence.
2. Concrete footings have been poured between the primary structure and the reference line in contradiction to Shoreland Waiver #2004-997 and associated conditions.
3. Appropriate erosion controls have not been installed properly or maintained resulting in deposition of material into the lake and piles of soil were located directly adjacent to the water with no siltation or erosion controls in place. This is in contraction to the conditions of Shoreland Waiver #2004-997.
4. The beach area appears to have been recently replenished with new sand and regraded with machinery without a permit.

5. Shoreland Waiver #2004-997 condition #2 required the waiver to be recorded with the County Registry of Deeds and required a restrictive covenant to be placed on the deed prohibiting current or future owners from construction a deck or porch between the primary structure and the reference line. A copy of the recorded permit and covenant were to be submitted to DES prior to construction. DES has no record of receiving these documents.

In response, you are requested to take the following actions:

1. **Immediately** install and maintain appropriate erosion controls on the frontage and around soil piles to prevent further sediment and silt from entering the lake. Refer to erosion control fact sheet to ensure proper installation. Submit photos to DES within 5 days of receipt of this Letter of Deficiency documenting compliance with this provision of the Letter of Deficiency.
2. **By May 8, 2006**, remove the unpermitted seasonal dock from the frontage.
3. **By May 15, 2006**, either submit a restoration plan for review and approval to remove the unpermitted concrete anchoring pad or file a complete after-the-fact application to retain it.
4. **By May 15, 2006**, submit a restoration plan for review and approval to remove the concrete footings constructed between the primary structure and the reference line. The plan should document the methods for returning the frontage to the condition shown in the plans approved in the #2004-997 Shoreland Waiver. The plans should also detail proposed sediment and erosion control methods to be employed during removal as well as a construction sequence for completing the removal and stabilizing the area following removal.
5. **By June 15, 2006**, implement the restoration plan as approved and conditioned by DES.
6. **By May 15, 2006**, comply with condition #2 of Shoreland Waiver #2004-997.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

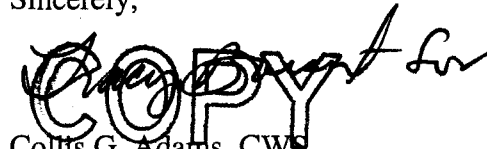
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Chris Brison  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact the Wetlands Bureau at (603) 271-2147

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, stylized "COPY" watermark.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8197

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Laconia Conservation Commission  
Laconia Board of Selectmen  
USACOE